

**REMARKS:**

In view of the foregoing amendments and the following remarks please reconsider the amended claims.

Responsive the Examiner's election requirement, the applicant hereby confirms election of the first species relating to a lifting device as described in claims 1 through 10 as filed. Claims 11 through 13 drawn to a method of lifting an object are accordingly hereby cancelled without prejudice. The applicant expressly reserves the right to pursue the same or similar subject matter as the cancelled claims in a continuation, a divisional or continuation-in-part application.

Among the thirteen claims originally filed, five claims have been canceled and 12 new claims have been added so that the total number of claims is now 20, among which only three are independent. Accordingly no additional claim fees are required.

The claims have been amended in order to distinguish the present invention from the Examiner's cited references considered alone and for a combination. In particular independent claim 1 has been amended and new independent claims 14 and 20 have been added to distinguish the present invention.

Turning now to claim 1 more particularly, amendments have been made to include the additional limitation that the hook member comprises *only* a flat hook which is *substantially straight along the hook axis* lying perpendicular to the longitudinal direction of the shaft. Providing a hook member which comprises only a flat hook is important to permit the desired function of sliding the hook member underneath a block to be lifted when using the lifting the device in the manner described in the current specification.

The Examiner's only cited references for rejecting the claims, US patents 4,955,647 to Alfredson and 5,964,698 to Fowler disclose no form of flat hook which is straight along a hook axis and perpendicular to the longitudinal direction of the shaft. Each of the Examiner's references includes a hook having a portion which is bent back towards the

handle at the opposing end of the shaft so that the resulting hook member cannot be readily slid beneath an object to be lifted as in the present invention. Neither of the prior art references can be said to comprise only a flat hook which is only straight along a hook axis perpendicular to the longitudinal direction of the shaft member. Accordingly it is respectfully submitted that claim 1 should now be in condition for allowance.

New independent claim 14 comprises previously submitted claim 1 plus the additional limitation that the hook member is *wholly straight along the hook axis* perpendicular to the longitudinal direction of the shaft member. By providing a hook member which is straight along the hook axis in its entirety, and perpendicular to the shaft, the lifting device can be readily slid beneath an object to be lifted as noted above. Due to the bent tip portions in both of the Examiner's cited references, neither of the references can be said to include a hook member which is wholly straight along a hook axis perpendicular to the shaft and accordingly it is respectfully submitted that claim 14 should now also be in condition for allowance.

New independent claim 20 includes all of the subject matter of previously submitted claim 1 plus the additional limitation that the hook member is *flat surfaced between the shaft and the tip of the hook member* and the hook member *wholly extends straight along the hook axis* perpendicular to the shaft member. Again as noted above, the structure of a hook member which is wholly perpendicular to the shaft member readily permits the hook to be slid beneath an object to be lifted unlike the prior art references which are limited by hook members having a upward bent tip portion which would prevent a similar use. As a hook member which is flat surfaced between the shaft member and the tip of the hook member and a hook member which wholly extends straight along a hook axis perpendicular to the shaft are both distinguished from the Examiner's cited references, it is furthermore respectfully submitted that claim 20 should now be in condition for allowance.

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The previously submitted dependent claims have been amended and new dependent claims have been added in order to be consistent with the amendments to the independent claims noted above.

Favorable reconsideration of this application is earnestly solicited.

Respectfully submitted

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300, on December 22, 2005

Heather Kirkpatrick

